

Remarks:

Reconsideration of the application, as amended herein, is respectfully requested.

Applicants thank Examiner Kim for the courtesy shown to Applicants' representative in a recent telephone conversation.

Claims 1 - 8 and 10 - 19 are presently pending in the application. Claims 1 and 11 have been amended.

In item 3 of a final Office Action mailed May 13, 2005 ("final Office Action"), claims 1, 2 and 10 - 19 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U. S. Patent No. 5,983,112 to Kay ("KAY") in view of U. S. Patent No. 3,798,600 to Saikaishi et al ("SAIKAISHI"). In item 4 of the final Office Action, claims 3 - 8 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over KAY in view of SAIKAISHI, and further in view of U. S. Patent No. 6,314,125 to Shanbhag ("SHANBHAG").

Applicants respectfully traverse the above rejections, as applied to the amended claims.

More particularly, all of Applicants' claims currently recite, among other limitations of Applicants' claims, that the

Applic. No. 09/994,117

Response Dated December 14, 2005

Responsive to Office Action of May 13, 2005

carrier frequencies are produced by an oscillating crystal,
detuned by at least one capacitor.

For example, Applicants' independent claims 1 and 11 have been
amended to recite, among other limitations:

changing the different carrier frequencies only within
one single transmission channel by detuning, with at
least one capacitor, an oscillating crystal of a
carrier frequency generator.

Applicants' independent claims 12 and 16 recite, among other
limitations:

a carrier frequency generator for generating different
carrier frequencies located only in a single
narrowband channel, said carrier frequency generator
having at least one capacitor and a detunable
oscillator crystal detuned through said at least one
capacitor; [emphasis added by Applicants]

The above amendments are supported by the instant application,
for example, in paragraphs [0026] - [0027], which state:

With the objects of the invention in view, there is
also provided a device for carrying out simplex
transmission of a data message modulated onto a
carrier frequency, including a carrier frequency
generator for generating different carrier
frequencies, the carrier frequency generator having at
least one capacitor and a detunable oscillator crystal
detuned through the at least one capacitor, and a
transmitter modulating data messages with the carrier
frequencies and transmitting the data messages in
temporal succession.

A very simple and low-cost option for implementing the
different carrier frequencies entails the connection
of at least one capacitor, preferably, a plurality of

Applic. No. 09/994,197

Response Dated December 14, 2005

Responsive to Office Action of May 13, 2005

capacitors, with different capacitances and/or in different interconnections, to an oscillator crystal of the carrier frequency generator, which is detuned in a specific manner by the capacitor(s).

The instant application teaches particular advantage to the use of an oscillator crystal, for example, on page 6 of the instant application, lines 8 - 18, which states:

The proposed measure is surprisingly advantageous, particularly in the case of low-cost radio access control systems for motor vehicles because such systems already use low-cost components with high tolerances (for example, crystals and surface wave filters) and, thus, --due to cost rather than for technical reasons--have a relatively broadband configuration. Small deliberate changes to the carrier frequency can, therefore, easily be made in such systems with no significant effect on the transmission parameters, or can easily be incorporated in the construction of such systems with no substantial impact on cost. [emphasis added by Applicants]

As such, Applicants' claimed invention can be fabricated using low-cost components (i.e., crystals), already present in such systems. This advantage is neither taught, nor suggested by the cited references.

Neither the KAY reference, nor the SAIKAISHI reference, teach or suggest, among other limitations of Applicants' claims, Applicants' particularly claimed oscillator crystal, which is detuned using at least one capacitor. Rather, as stated on page 3 of the final Office Action, "Kay fails to elaborate on how different carrier frequencies are generated". As such,

Applic. No. 89/894,197

Response Dated December 14, 2005

Responsive to Office Action of May 13, 2005

KAY neither teaches, nor suggests, varying the frequency of a system or method, such as claimed by Applicants, by detuning an oscillator crystal, using at least one capacitor.

Further, the SAIKAISHI reference, cited in the final Office Action as allegedly disclosing an oscillating circuit including a plurality of capacitors for generating a plurality of frequencies, neither teaches, nor suggests using an oscillator crystal, detuned by at least one capacitor.

Rather, the capacitors in SAIKAISHI are part of the oscillating circuit made up of an RLC resonance circuit, and not using an oscillator crystal. As such, SAIKAISHI actually teaches away from Applicants' claimed invention.

Neither KAY, nor SAIKAISHI, teach or suggest using an oscillator crystal, detuned by at least one capacitor, to generate the carrier frequencies in the claimed system and method.

Applicants additionally incorporate herein, the arguments made in the Response dated September 13, 2005. Namely, it is still maintained that KAY, alone or in combination with SAIKAISHI, does not teach or suggest "temporal succession", "a radio access control system" and "containing an access code".

Applic. No. 09/994,197

Response Dated December 14, 2005

Responsive to Office Action of May 13, 2005

The SHANBHAG reference, cited in combination with KAY and SAIKAISHI against certain of Applicants' dependent claims, does nothing to cure the deficiencies discussed above in connection with the KAY and SAIKAISHI references.

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claims 1, 11, 12 and 16. Claims 1, 11, 12 and 16 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 1, 12 or 16.

In view of the foregoing, reconsideration and allowance of claims 1 - 8 and 10 - 19 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Applic. No. 09/994,197

Response Dated December 14, 2005

Responsive to Office Action of May 13, 2005

Please charge any fees that might be due with respect to
Sections 1.16 and 1.17 to the Deposit Account of Lerner and
Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicants

Kerry P. Sisselman
Reg. No. 37,237

December 14, 2005

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101